

AACC

AMERICAN ASSOCIATION OF COMMUNITY COLLEGES
ASSOCIATION OF COMMUNITY COLLEGE TRUSTEES

ACCT

ORIGINAL

April 12, 1996

Mr. William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street, NW
Washington, DC 20554-0001

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FEDERAL COMMUNICATIONS COMMISSION
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RE: CC Docket No. 96-45; In the Matter of Federal-State
Joint Board on Universal Service

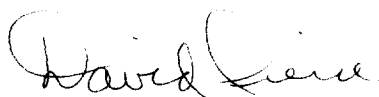
Dear Mr. Caton:

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The American Association of Community Colleges (AACC) and the Association of Community College Trustees (ACCT) hereby submit the enclosed joint comments in CC Docket No. 96-45, FCC 96-93, relating to Universal Service. AACC and ACCT urge the FCC to adopt rules that accomplish Congress' goal of opening "new worlds of knowledge, learning and education to all Americans-- rich and poor, rural and urban."

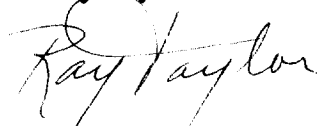
Respectfully Submitted,

David Pierce



President
American Association of
Community Colleges

Ray Taylor



President
Association of Community
College Trustees

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**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	CC Docket No. 96-45
)	
Federal-State Joint Board on)	
Universal Service)	

**JOINT COMMENTS OF
AMERICAN ASSOCIATION OF COMMUNITY COLLEGES AND
ASSOCIATION OF COMMUNITY COLLEGE TRUSTEES**

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April 12, 1996

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SUMMARY

The American Association of Community Colleges and the Association of Community College Trustees ("Joint Commenters") submit comments in this proceeding to ensure that the FCC's revised universal service rules accomplish Congress' goal of opening "new worlds of knowledge, learning and education to all Americans -- rich and poor, rural and urban." In particular, the Joint Commenters urge the FCC to adopt rules that include community colleges among the beneficiaries of universal service support.

Pursuant to Section 254(b)(3) of the Telecommunications Act of 1996 ("TCA"), the FCC's universal service rules must ensure that consumers in rural, insular and high cost areas have access to telecommunications and information services, including advanced telecommunications services. The Joint Commenters urge the FCC to adopt rules that make support available to a class of rural, insular and high cost "consumers" that includes community colleges. Community colleges located in these areas face disproportionately high costs of obtaining basic telecommunications service, and even higher costs for access to more advanced telecommunications services. Many telecommunications services, such as Internet access, involve very expensive long distance connections that effectively bar these institutions from access to the information superhighway. The FCC should permit educational institutions that face distinct challenges based on their geographic location to benefit from universal service discounts and other mechanisms intended to bring new technologies to rural, insular and high cost areas.

The Joint Commenters also urge the FCC to adopt rules that reflect the fact that community colleges are "low-income consumers" of telecommunications services. The FCC's regulatory model for universal service should make core and advanced telecommunications

services available to undercapitalized educational institutions, such as community colleges, at discounted rates. Supporting the provision of core and advanced telecommunications services to these institutions will further Congress' universal service goals for low-income consumers of telecommunications services in both rural and urban areas of the United States and help address the growing concern that in the information age we increasingly are becoming "a Nation of educated and uneducated."

The FCC should make universal support mechanisms available to community colleges to the extent they are utilized in teaching programs focusing on basic educational skills.

Community Colleges are public institutions serving a variety of students. Unlike four-year universities and colleges, however, community colleges focus on teaching, not research, and their telecommunications needs more closely resemble those of K-12 schools than they do those of four-year colleges and universities. Permitting community colleges to obtain discounts on core and advanced telecommunications by focusing eligibility on the nature of the educational services provided will ensure that all Americans are afforded the instructional benefits that new technologies can bring.

Further, the Joint Commenters urge the FCC to make universal service preferences available to community colleges whose libraries serve the public and perform the same functions traditionally associated with public libraries. Higher education institutions, particularly community colleges and especially in rural areas, provide the same service to the public as "public libraries" and, therefore, should be eligible for universal service support in providing the public access to their facilities.

Community Colleges also are leading educators of nurses throughout the Nation. In fact, community college graduates of allied health fields are some of the most sought after students, commanding relatively good incomes upon graduation according to a 1994 AACC survey. Community colleges have been involved in offering courses and certification training via telecommunications to rural medical centers and have been instrumental in implementing telemedicine applications using satellite capabilities. As such, the FCC should confirm that community colleges are eligible for universal service support as post-secondary educational institutions offering health care instruction, including emergency medical technician training, under Section 254(h)(5)(B) of the TCA.

In an increasingly sophisticated telecommunications marketplace where even traditionally "advanced" services are becoming commonplace, the Joint Petitioners urge the FCC to expand the definition of core services beyond voice grade access to the Public Switched Telecommunications Network, Touch-tone service, Single Party service and access to Operator Services. Specifically, core services also should include Internet access availability, data transmission capabilities and interexchange services. In addition, T1 connections for the provision of data and video services and capabilities, and fiber optic connections in support of K-12 and K-12-like distance learning initiatives, should be subject to universal service support. To the extent that any of these services are not included in the definition of core services for universal service purposes, they should be included in the services to be made available to schools, libraries and health care providers pursuant to Section 254(c)(3) of the TCA.

It is critical that the FCC's universal service rules provide for service and equipment discounts rather than reimbursements because entities eligible for support must comply with

annual budget restrictions. Discounts will permit community colleges to make technology available to their communities and schools quickly, avoiding the administrative difficulties of incurring significant costs at the outset and awaiting reimbursement.

Finally, the FCC's universal service rules should accommodate joint venturing with community colleges, federal and local governmental agencies and K-12 schools to bring telecommunications capabilities to under-served communities and student groups. Community colleges provide assistance to K-12 school students through post-secondary enrollment options (high school students taking college credit courses in their high school classrooms), tech prep curriculum and schools-to-work transition programming. Moreover, many community colleges have entered into library and educational arrangements to permit the sharing of library resources and educational information between community colleges and elementary and secondary schools. Private arrangements and connections with community colleges and other private and state or federal governmental entities also provide K-12 schools with affordable access to the Internet and other informational tools and resources for the benefit of elementary and secondary school students. An educational or library resource sharing network, or state or regional consortia, should not become ineligible for universal service support simply because the network or program is shared with other governmental entities, community social services agencies, or "ineligible" non-profit or for-profit entities.

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of

Federal-State Joint Board on
Universal Service

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CC Docket No. 96-45

**JOINT COMMENTS OF
AMERICAN ASSOCIATION OF COMMUNITY COLLEGES AND
ASSOCIATION OF COMMUNITY COLLEGE TRUSTEES**

The American Association of Community Colleges ("AACC") and the Association of Community College Trustees ("ACCT"), by their attorneys, hereby submit their joint comments in the above-referenced proceeding in response to a Notice of Proposed Rulemaking released March 8, 1996.^{1/} AACC and ACCT, collectively referred to as the "Joint Commenters," make this filing in an effort to ensure that the universal service rules adopted in this proceeding accomplish Congress' goal of opening "new worlds of knowledge, learning and education to all Americans -- rich and poor, rural and urban."^{2/}

I. INTRODUCTION.

The Joint Commenters commend the Federal Communications Commission ("FCC") on its efforts to encourage the provision of affordable telecommunications services for the

^{1/} See Notice of Proposed Rulemaking, Federal-State Joint Board on Universal Service, CC Docket No. 96-45 (adopted March 8, 1996, released March 8, 1996) (the "Notice").

^{2/} See Conference Report, Joint Explanatory Statement of the Committee of Conference, Telecommunications Act of 1996 at 132 (January 31, 1996) (the "Conference Report").

achievement of educational objectives. During an age when education and literacy are indispensable to making valuable contributions to our Nation's communities, it is essential that the rules for universal service target areas, individuals and entities that are best equipped to improve the educational development of our most valuable commodity -- our human resources. As IBM Chairman Louis V. Gerstner said at the 1996 National Education Summit last month, "[T]he information age, which has displaced the industrial revolution, demands an educated workforce."^{3/}

The recommendations made herein are intended to ensure that financial support to meet the needs of educators is available to entities best positioned to achieve Congress' goals for universal service. In particular, the Joint Commenters urge the FCC to adopt rules that include community colleges among the beneficiaries of universal service support.

II. BACKGROUND.

The American Association of Community Colleges ("AACC") has been helping to meet the challenges faced by community colleges for over 75 years. Since their birth at the turn of the century, community colleges have experienced considerable growth in enrollment as communities increasingly value the essential learning and thinking skills these unique institutions furnish their traditional and non-traditional students. The national network of community colleges today numbers over 1,100 institutions, found in every state and virtually every Congressional District. In 1992, these colleges enrolled 5.7 million credit students, and another five million non-credit students, and accounted for 44 percent of the Nation's

^{3/} Address by Louis V. Gerstner, Chairman and CEO, IBM, 1996 National Education Summit (March 26, 1996) ("Gerstner") at 3.

undergraduates and 49 percent of all first-time freshmen. In the midst of constant and escalating change, AACC has been a stable force in helping to define national issues important to its 1,114 members, working to effect positive policy decisions and speaking out on behalf of community colleges to key organizations, agencies and the media.

The Association of Community College Trustees ("ACCT") represents over 6,000 elected or appointed officials who govern community, technical and junior colleges in the United States and Canada. It is the responsibility of the governing board of each community college to assure that the college has the capacity and resources to offer the programs and services necessary to meet the educational needs of the community. Moreover, as expressed by the Chair of ACCT, Gene McDonald, "[i]t is the solemn responsibility of governing boards to assure that every community member has the opportunity to acquire the skills necessary to become a full participant in the emerging information society." It is ACCT's role to communicate the collective interest of its members to those whose legislative, policy or regulatory action impacts that responsibility.

III. THE FCC SHOULD ADOPT UNIVERSAL SERVICE RULES THAT ENCOURAGE THE PROVISION OF AFFORDABLE TELECOMMUNICATIONS SERVICES TO COMMUNITY COLLEGES.

In adopting rules regarding the types of services that will be included in the definition of "core" and "advanced" services and establishing universal service eligibility requirements, the FCC must ensure that the telecommunications needs of community colleges are not excluded from the Commission's universal service support mechanisms. For most of these educational institutions, access to the information superhighway is necessary to satisfy the demands of an increasingly sophisticated American workplace. In addition, access to affordable

telecommunications capabilities is required if community colleges are to continue to serve their communities and develop curricula that reflect the changing needs of the marketplace. The FCC must interpret its Congressional mandate to recognize the extensive contributions of community colleges, junior colleges and technical institutions in meeting the basic educational needs of our Nation's communities.

A. Universal Service Support Rules Should Benefit Community Colleges in Rural, Insular and High Cost Areas of the Country.

Pursuant to Section 254(b)(3) of the Telecommunications Act of 1996 ("TCA"), the FCC's universal service rules must ensure that consumers in rural, insular and high cost areas have access to telecommunications and information services, including advanced telecommunications services. The FCC should permit educational institutions that face distinct challenges based on their geographic location to benefit from universal service discounts and other mechanisms intended to bring new technologies to rural and high cost areas.

The Notice explicitly requests comment on whether discounts and other means of universal service support should be made available only to residential users, to residential and single-line business users, or all users in such areas.^{4/} The Joint Commenters urge the FCC to adopt rules that make support available to a broader class of "consumers" that would include community colleges. Community colleges located in rural and insular (and high-cost) areas face disproportionately high costs of obtaining basic telecommunications service, and even higher costs for access to more advanced telecommunications services. Many telecommunications

^{4/} See Notice at ¶24.

services, such as Internet access, involve very expensive long distance connections that effectively bar these institutions from access to the information superhighway.

Moreover, rural counties depend heavily on their community colleges for educational opportunity, economic progress and access to informational resources. Yet, they are far less able than their urban counterparts to dedicate local tax funds to and garner private support for their community colleges. Universal service mechanisms made available to rural and insular community colleges will provide new opportunities for education and training for communities traditionally excluded from the benefits of technology, including access to distant information and educational resources. For those individuals who find themselves financially unable to obtain access on their own to telecommunications and information services, even with traditional universal service support, the availability of such services at nearby community colleges offers an important and publicly beneficial alternative. In particular, telecommunications facilities are crucial to individuals residing in areas in which transportation, distance or economics are barriers to attending on-campus training and courses.

B. Eligibility for Universal Service Support Should Include Community Colleges As Low Income Users of Telecommunications Services.

Section 254(b)(3) of the TCA expressly added "low-income" to the list of users to whom access to telecommunications and information services should be provided under the Commission's universal services rules.^{5/} The Joint Commenters urge the FCC to adopt rules that reflect the fact that community colleges are "low-income consumers" of telecommunications services that should be included in the federal and state models for universal service. As

^{5/} See Conference Report at 131.

discussed above, access to advanced telecommunications services should not be limited under Section 254(b)(3) to individual consumers. Likewise, the FCC's universal service rules for low income consumers should include not-for-profit educational institutions that provide entry level and continuing career education to the American workforce.^{6/}

Community colleges, by and large, operate on severely limited budgets, without the benefit of major endowments, generous alumni campaigns or corporate underwriting enjoyed by many senior institutions. Very few are able to afford advanced telecommunications services at commercial rates, including the types of advanced services the Notice identifies as potentially among the "core" services eligible for universal service support, e.g. Internet access availability, data transmission capability, optional Signaling System Seven features or blocking of such features, enhanced services and broadband services.^{7/} Unless support is available for the provision of these core services, community colleges will be unable to absorb the significant costs associated with making these services available to their students.

Accordingly, the FCC should adopt a regulatory model for universal service that would make core and advanced telecommunications services available to undercapitalized educational institutions, such as community colleges, at discounted rates. Supporting the provision of core and advanced telecommunications services to these institutions will further Congress' universal

^{6/} The Notice mischaracterizes the breadth of the low-income consumer classification by assuming that Congress intended specific universal service capabilities be made available only to "persons with low-income." See Notice at ¶50. Both the TCA and the legislative history make plain that Congress intended to include low-income "consumers," which can and should include universal support for the provision of telecommunications and information services to community colleges.

^{7/} See Notice at ¶23. See also Conference Report at 133.

service goals for low-income consumers of telecommunications services in both rural and urban areas of the United States and help address the growing concern that in the information age we increasingly are becoming "a Nation of educated and uneducated."^{8/}

C. Universal Service Support Mechanisms Should Include Community Colleges Based on the Nature of Their Educational Activities and Mission Statements.

Community colleges are public institutions serving a variety of students. Unlike four-year universities and colleges, however, community colleges focus on teaching, not research, and their telecommunications needs more closely resemble those of K-12 schools than they do those of four-year colleges and universities. The FCC, therefore, should make universal support mechanisms available to community colleges to the extent they are utilized in teaching programs focusing on basic educational skills.

Community colleges have heeded the growing demand for remedial education, English as a second language and workplace literacy programs.^{9/} Indeed, community colleges play a vital role in educating "non-traditional" students, instructing in reading, writing and mathematics. In 1992, for instance, 96 percent of community colleges provided workforce training programs for business and industry employers in their communities, including programs in workforce literacy.^{10/}

^{8/} Gerstner at 3.

^{9/} See Gerstner at 2 and 4 (recognizing statistics indicating that public schools are failing to provide their students with basic english, math and science skills, e.g., sixty percent of the students entering the California State University System are required to take remedial courses in math and science; poor literacy costs American businesses \$25 to \$30 billion a year in lost productivity, errors and accidents).

^{10/} Significantly, worksite literacy is one educational arena where the special attributes of two-year colleges have been well utilized. Program administrators have capitalized on the

To continue serving the needs of non-traditional students, and to reach social and economic communities that traditionally have been under-served, community colleges must have access to affordable telecommunications services. Permitting community colleges to obtain discounts on core and advanced telecommunications by focusing eligibility on the nature of the educational services provided will ensure that all Americans are afforded the instructional benefits that new technologies can bring. In other words, if the services delivered by a higher education institution are K-12-types of services, such as adult basic education and remedial education, the institution should be eligible for discounted services. Moreover, at a time of tremendous growth in distance learning for non-traditional adult students, community colleges must have access to affordable telecommunications services if they are to respond to emerging educational needs that are unaffected by geographic boundaries.

D. The Definition of Libraries Should Include Resource Facilities Located At And Funded By Community Colleges.

Pursuant to Section 254(h)(4), a library is not entitled to preferential rates or treatment in obtaining advanced telecommunications services made available to "schools, libraries and health care providers" under the TCA unless it is eligible for participation in State-based plans for funds under Title III of the Library Services and Construction Act.^{11/} To the extent the advanced telecommunications services discussed in Section IV below, however, are not included among the FCC's "core" services and made available to community colleges as low income or rural

strong ties between community colleges and the local business community and on the proven experience of community colleges to design effective literacy and basic skills programming.

^{11/} See TCA § 254(h)(4).

users of telecommunications services, the Joint Commenters urge the FCC to make universal service preferences available to community colleges whose libraries serve the public and perform the same functions traditionally associated with public libraries.

Higher education institutions, particularly community colleges and especially in rural areas, provide the same service to the public as "public libraries" and, therefore, should be eligible for universal service support in providing the public access to their facilities. It has been noted that community colleges are becoming the "conveners of civic life." Rural colleges and universities often have the only well-equipped auditoria or the teleconferencing facilities in their counties. In this information age, they must be connected to all segments of society and the economy.

Section 253 of the Public Library Services and Construction Act provides that a state may make subgrants to library systems or networks which include libraries other than public libraries if the purpose of the subgrant is to improve services for public library patrons.^{12/} The FCC's universal service rules should reflect the same flexibility by permitting community college libraries to benefit from universal support mechanisms when they make available to the general public, directly or indirectly, their on-campus collections and facilities for the benefit of "traditional" public library patrons.

^{12/} See The Public Library Services and Construction Act, Section 353 (amended 1990) ("In carrying out its program to accomplish the purposes of this subchapter, a State may make subgrants to library systems or networks which include libraries other than public libraries, if the purpose of the subgrant is to improve services for public library patrons.")

E. Universal Service Support Should Be Available to Community Colleges in Furtherance of Congress' Efforts to Make Advanced Telecommunications Services Available to Health Care Providers.

Community Colleges are leading educators of nurses throughout the Nation. In fact, community college graduates of allied health fields are some of the most sought after students, commanding relatively good incomes upon graduation according to a 1994 AACC survey. As such, the FCC should confirm that community colleges are eligible for universal service support as post-secondary educational institutions offering health care instruction, including emergency medical technician training, under Section 254(h)(5)(B) of the TCA.

In the past, community colleges have been involved in offering courses and certification training via telecommunications to rural medical centers. Moreover, community colleges have been instrumental in implementing telemedicine applications using satellite capabilities. For instance, some colleges offer training to Indian Health Service Employees via telemedicine technologies. Community colleges that undertake these and similar efforts should be eligible to receive universal service assistance and the benefits of any discounts adopted in this proceeding.

IV. THE FCC SHOULD INCLUDE IN ITS UNIVERSAL SERVICE DEFINITIONS SERVICES THAT ARE "BASIC" FOR PROVIDING A COMPETITIVE EDUCATION WITHIN THE COMMUNITY COLLEGE ENVIRONMENT.

The Notice requests comment on the advanced services that should be included among the "core" services made available to the American public under the FCC's revised scheme for the promotion of universal service.^{13/} In an increasingly sophisticated telecommunications marketplace where even traditionally "advanced" services are becoming commonplace, the Joint

^{13/} See Notice at ¶23.

Petitioners urge the FCC to expand the definition of core services beyond voice grade access to the Public Switched Telecommunications Network, Touch-tone service, Single Party service and access to Operator Services. Specifically, core services also should include Internet access availability, data transmission capabilities and interexchange services. In addition, T1 connections for the provision of data and video services and capabilities should be subject to universal service support.

Under Section 254(c)(3) of the TCA, the FCC is empowered to establish a specific definition of universal service to be applied to universal support mechanisms for schools, libraries and health care providers. At a minimum, the definition of universal service applicable to educational institutions should include financial support mechanisms covering the services discussed above as "core" services. Fiber optic connections also should be made available to community colleges in support of K-12 and K-12-like distance learning initiatives at discounted rates. To the extent, however, that any of these services are not included in the definition of core services for universal service purposes, they should be included in the services to be made available to schools, libraries and health care providers pursuant to Section 254(c)(3) of the TCA.

Finally, it is critical that the FCC's universal service rules provide for service and equipment discounts rather than reimbursements because entities eligible for support must comply with annual budget restrictions. Discounts will permit community colleges to make technology available to their communities and schools quickly, avoiding the administrative difficulties of incurring significant costs at the outset and awaiting reimbursement. It also will ensure that institutions operating under considerable financial restrictions are not denied access

to telecommunications and information services merely because of timing and budgeting concerns.

V. THE FCC'S UNIVERSAL SERVICE RULES SHOULD ACCOMMODATE JOINT VENTURING WITH COMMUNITY COLLEGES, FEDERAL AND LOCAL GOVERNMENTAL AGENCIES AND K-12 SCHOOLS TO BRING TELECOMMUNICATIONS CAPABILITIES TO UNDER-SERVED COMMUNITIES AND STUDENT GROUPS.

The Notice requests comment on whether schools and libraries receiving universal service support should be permitted to share their networks with parties who are not eligible to receive universal support.^{14/} The FCC also requests comment on what mechanisms should be put in place to ensure that any limitation imposed on the sharing of networks would not discourage partnerships between schools and libraries and their communities.^{15/}

Although the TCA instructs that telecommunications services and network capacity provided to schools and libraries through universal service support mechanisms should not be "sold, resold, or otherwise transferred" to non-eligible telecommunications users, the statutory provision should not be interpreted as a bar to cooperative activities between educational institutions and libraries and non-eligible entities. Limiting the ability of schools and libraries to enter into partnerships that will expand access to telecommunications and information services will undermine Congress' goals for universal service and force entities that were targeted expressly as needing financial assistance to choose between complementary sources of connectivity.

^{14/} See Notice at ¶86.

^{15/} Id.

The FCC's universal service rules must recognize the benefits of joint ventures and the technological efficiencies of sharing information. Indeed, in many instances, community colleges partner with K-12 schools in providing access to state institutions and resources and to the rest of the world. These networks provide local communities access to training and resources at all levels. Moreover, community colleges, as primary providers of workforce training, have a unique relationship to the private sector and will be valuable assets to K-12 schools in building partnerships that connect elementary and secondary schools to information and resources across the Nation.

Currently, community colleges provide assistance to K-12 school students through post-secondary enrollment options (high school students taking college credit courses in their high school classrooms), tech prep curriculum and schools-to-work transition programming. Moreover, many community colleges have entered into library and educational arrangements to permit the sharing of library resources and educational information between community colleges and elementary and secondary schools. Private arrangements and connections with community colleges and other private and state or federal governmental entities also provide K-12 schools with affordable access to the Internet and other informational tools and resources for the benefit of elementary and secondary school students. An educational or library resource sharing network, or state or regional consortia, should not become ineligible for universal service support simply because the network or program is shared with other governmental entities, community social services agencies, or "ineligible" non-profit or for-profit entities.

Limiting K-12 schools' access to advanced telecommunications services by limiting their ability to enter cooperative arrangements with others undermines the goals of universal service.

It forces schools to make a choice -- obtain much-needed telecommunications and information services alone, with the benefit of universal service mechanisms, or cooperate with others without universal service support. Placing K-12 schools in this position could not have been what Congress intended in providing that universal service support mechanisms not be "sold, resold, or otherwise transferred" to non-eligible telecommunications users.

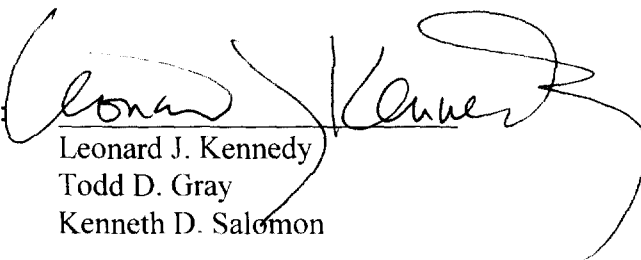
VI. CONCLUSION.

As recognized by the President of Portland Community College and 1995-1996 Chair of the AACC Board of Directors, Daniel F. Moriarty, "community colleges, rooted in their communities, are uniquely positioned to make sure all people gain access to the advantages of the information age." The FCC should not ignore the role community colleges play, and can play, in the achievement of Congress' universal service objectives. Accordingly, the Joint

Commenters urge the FCC to adopt rules that include community colleges in their vision to afford all Americans, and particularly schools, libraries and health care providers, access to affordable and advanced telecommunications and information services.

Respectfully submitted,

AMERICAN ASSOCIATION OF COMMUNITY
COLLEGES
ASSOCIATION OF COMMUNITY COLLEGE
TRUSTEES

By: 
Leonard J. Kennedy
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April 12, 1996

CERTIFICATE OF SERVICE

I, V. Lynne Lyttle, a secretary at the law firm of Dow, Lohnes & Albertson, do hereby certify that on this 12th day of April, 1996, I caused copies of the foregoing "Joint Comments" to be served via first-class mail, postage prepaid (except where indicated as via hand-delivery), to the following:

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